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Paper No. 7

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AUG 29 2002

OFFICE OF PETITIONS

In re Application of :
Janesick :
Application No. 10/035,405 : DECISION DISMISSING
Filed: November 8, 2001 : PETITION UNDER 37 CFR
Atty. Dkt. No.: 50047050-0003 : 1.47(b)
For: MULTI-MODE IMAGER WITH PINNED :
PHOTO REGION PHOTORECEPTORS :

FAX RECEIVED

OCT 29 2002

This decision is in response to the petition under 37 CFR 1.47(b), filed July 8, 2002.

PETITIONS OFFICE

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

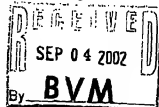
The above-identified application was filed November 8, 2001 without an executed oath or declaration and naming James Janesick as sole inventor. Accordingly, on February 6, 2002, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and surcharge.

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is required to preserve the rights of the parties or to prevent irreparable damages.

The instant petition lacks requirements (4) and (6) above.

As to item (4), the instant petition fails to set forth the last known address of the non-signing inventor.

As to item (6), the instant petition fails to provide any indication that status under Rule 47 is necessary to preserve the rights of any particular party or to prevent irreparable damages to any particular party.



Application No. 10/035,405

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Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
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Washington, D.C. 20231

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By hand: Crystal Plaza Four, Suite 3C23
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Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.



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